



ORDINANCE NO. 1931

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT APPROVAL OF A SPECIFIC USE PERMIT - INTERIM USE (TO EXPIRE ON MARCH 31, 2011) AND ASSOCIATED SITE PLAN FOR A CELLULAR MOBILE TELEPHONE ANTENNA WITHIN THE PLANNED DEVELOPMENT NUMBER 22 (PD-22) ZONING DISTRICT AND LOCATED AT THE NORTHEAST CORNER OF THE GREGORY ADDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit - Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonable foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the terms of the Specific Use Permit - Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of the permit.



Whereas, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to amending the Zoning Ordinance Regulations have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Farmers Branch is of the opinion that a change in such zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit - Interim Use expiring on March 31, 2011 for a Cellular Mobile Telephone Antenna to be erected to a maximum height not exceeding ninety-two (92) feet, within the Planned Development Number 22 (PD-22) Zoning District and located at the northeast corner of the "Gregory Addition".

SECTION 2. That the City Council does hereby approve the site plan associated with the Specific Use Permit - Interim Use attached as Exhibit "A".

SECTION 3. That the cellular mobile telephone antenna shall be constructed and located in the two thousand square foot tract of land at the northeast corner of the "Gregory Addition" and in accordance with the site plan approved by the City Council and attached as Exhibit "A".

SECTION 4. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a cellular mobile telephone antenna.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to an accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

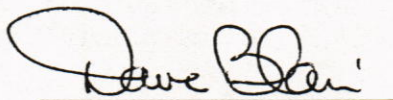
SECTION 8. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL of the City of Farmers Branch, Texas, on this the



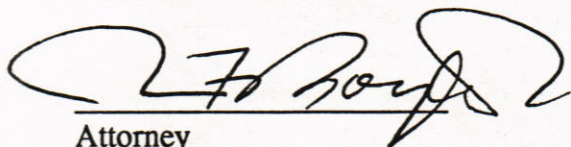
1st day of April, 1991.

APPROVED:



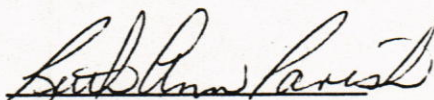
Mayor

APPROVED AS TO FORM:



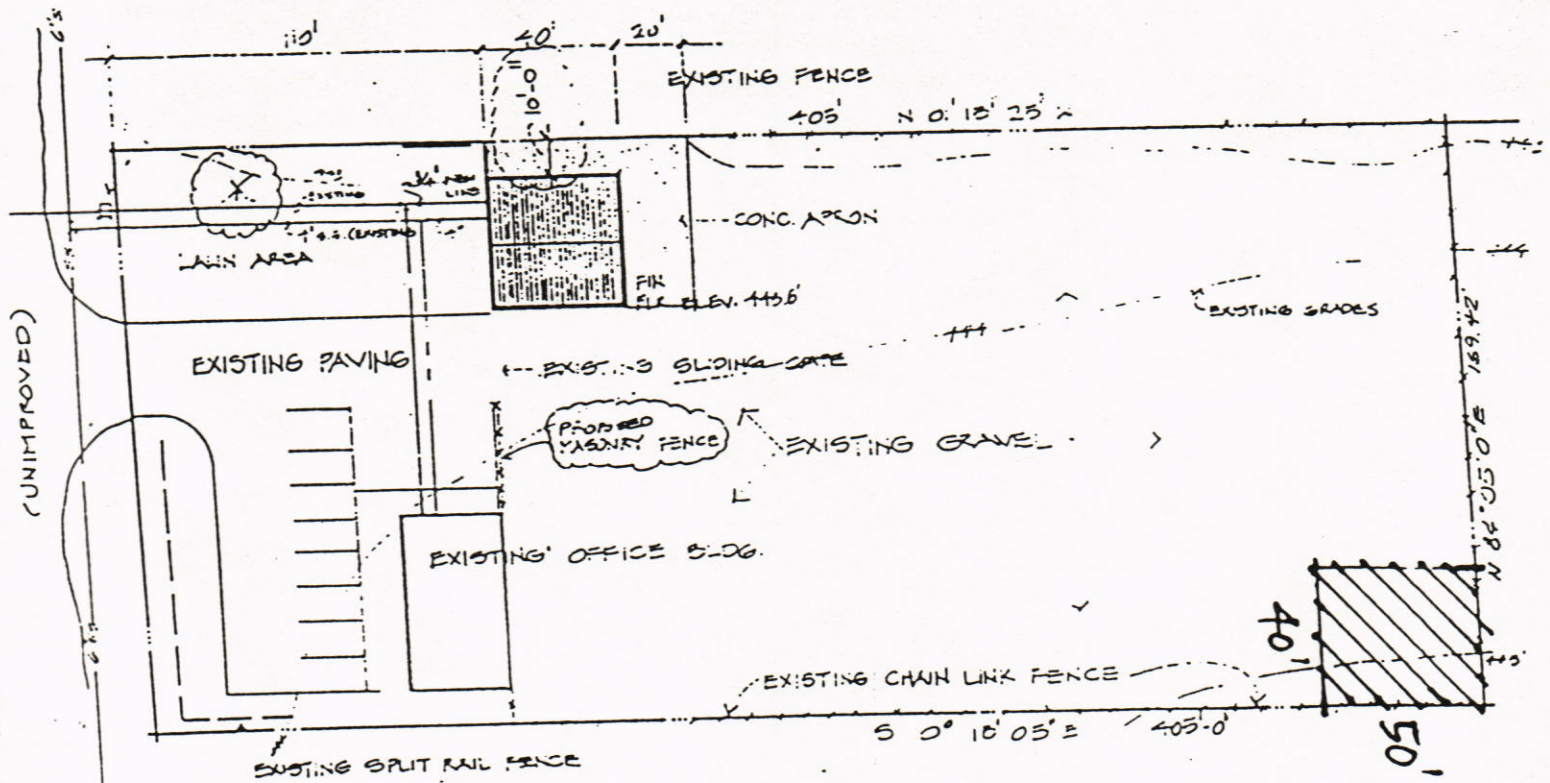
Attorney

ATTEST:

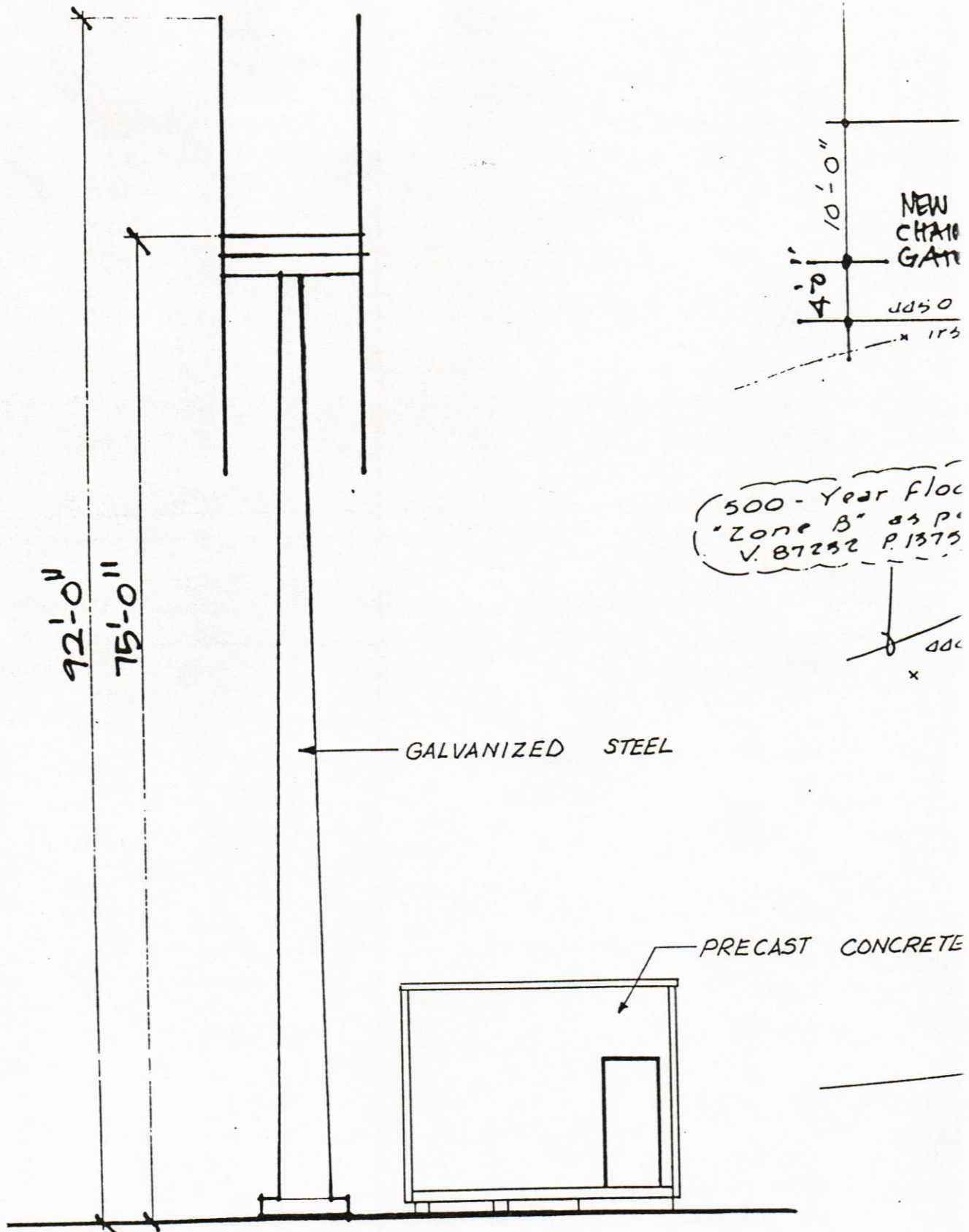


City Secretary







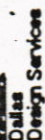


03 **TOWER ELEVATION**  
3/32":1'-0"

K e e

IC





1440 Empire Central  
Suite 450  
Dallas, Texas  
(214) 637-2741  
(214) 634-2207 fax

**NEW DALLAS  
CELL SITE  
FOR**

**Southern Bell  
Mobile Systems, Inc.  
DALLAS, TEXAS**

**TITLE:** DIPLOMAT/McDANIEL

11

Down by ...  
Checked by ...  
Assessed by ...

## PROPERTY DESCRIPTION

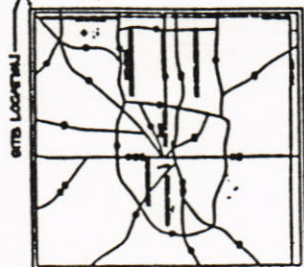
Being a tract of land situated in the City of Peaslee Branch, Indian County, Texas; and tract also being a part of Lot 1, Block 1, Gregory Addition, in addition to the City of Peaslee Branch as recorded in Volume 2722, Page 1374, Plat Records of Indian County, Texas, being more particularly described as follows:

[illegible]

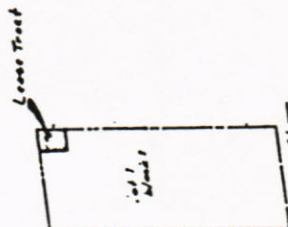
**THE**

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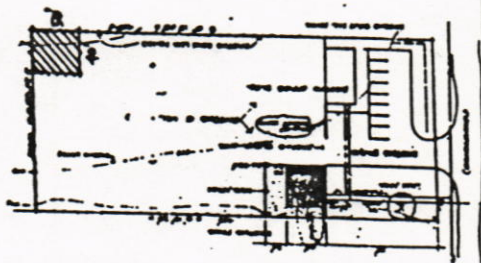
## DALLAS/FORT WORTH OVERVIEW



**THE LANCET**



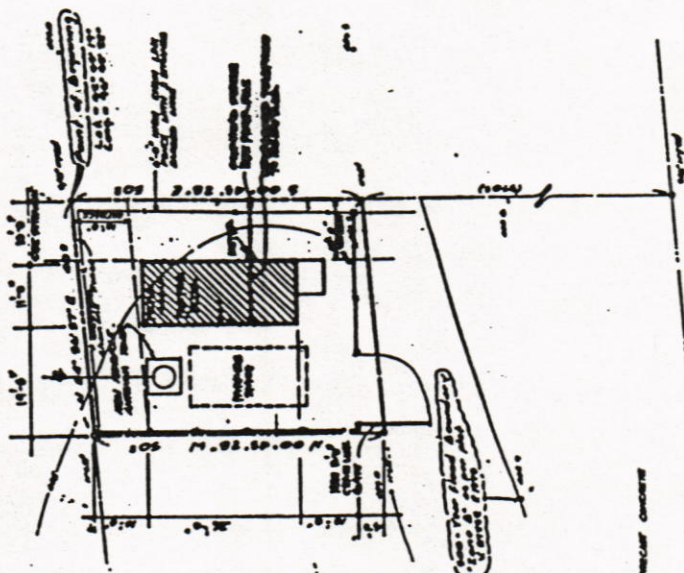
## LOCATION MAP



SITE PLAN



### VICINITY MAP



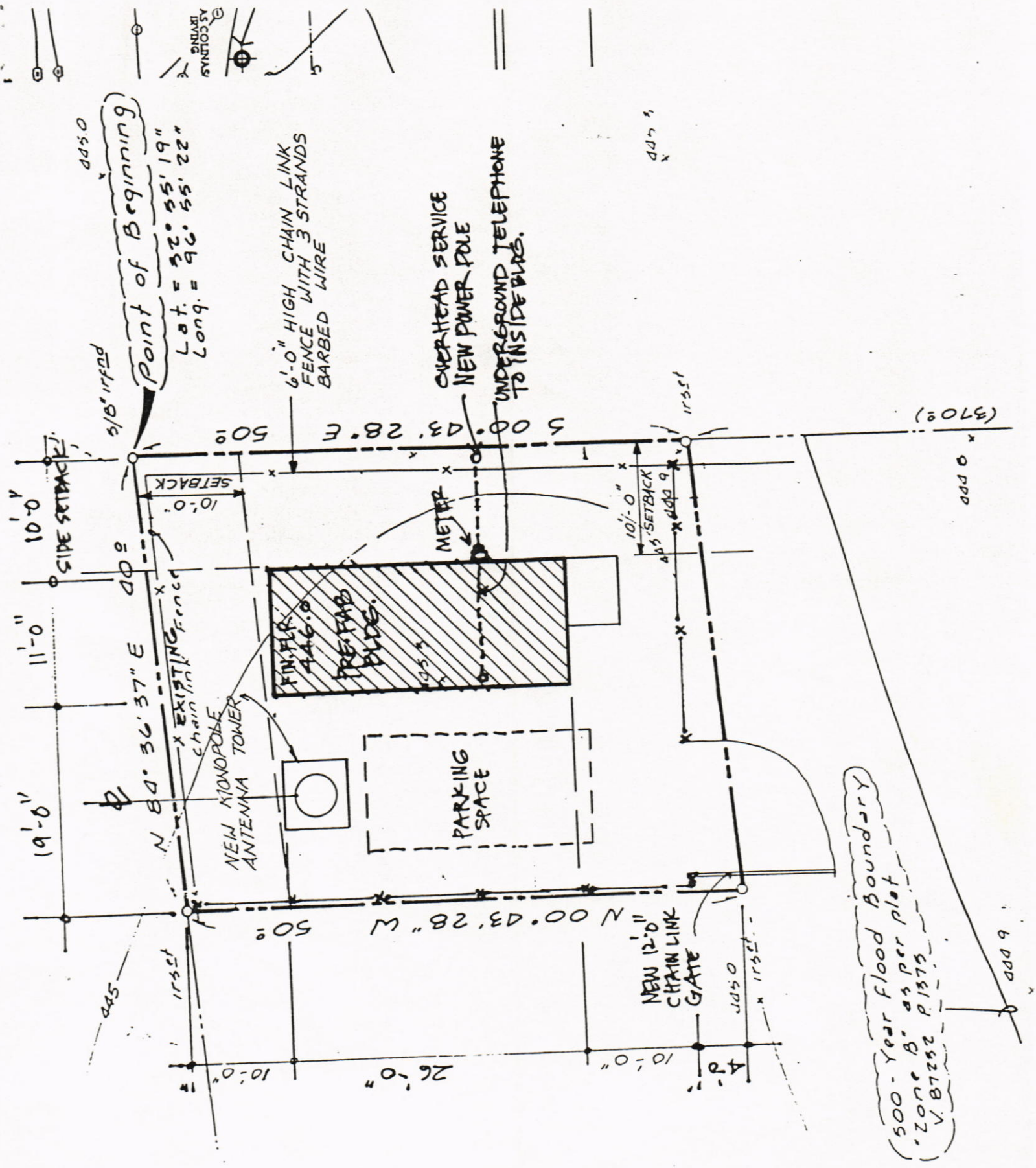
**TOWER ELEVATION**



Keenan Bridge Road

LEASE PREMISES SITE PLAN









# MEMORANDUM

From: The Office of the Community Services

Date: 03-06-91

Subject: AGENDA ITEM NO. .4

Morgan  
- Jose  
2nd Roberts  
Motion

*Discussion  
Ideal location  
for an antenna  
Straight motion  
to approval*

PUBLIC HEARING: CONSIDER THE REQUEST OF PETER KAVANAGH, ON BEHALF OF SOUTHWESTERN BELL MOBILE SYSTEMS, INC., FOR APPROVAL OF A SPECIFIC USE PERMIT - INTERIM USE TO EXPIRE NO EARLIER THAN MARCH OF 2011 TO ALLOW THE ERECTION OF A CELLULAR MOBILE TELEPHONE ANTENNA TO A HEIGHT OF 92 FEET WITHIN THE PLANNED DEVELOPMENT NUMBER 22 (PD-22) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.

*2nd Roberts  
permanent  
unanimous*

EXPLANATION:

Southwestern Bell Mobile System wishes to erect a cellular mobile telephone antenna within a 2,000 square foot lease space located at the northeast corner of "Gregory Addition." In addition to the antenna, a free standing accessory building housing necessary equipment is proposed. bldg. is 286ft<sup>2</sup> (11'x26')

RECOMMENDATION:

City Staff perceives no long-term ~~no~~ impediment to the realization of the objectives of the Comprehensive Plan, ~~therefore~~ by the installation of the proposed antenna, <sup>therefore</sup> a Staff recommends approval of the specific use permit on a permanent basis.

Note: Should the Planning and Zoning Commission determine that the proposed antenna will inhibit the realization of the objectives of the Comprehensive Plan, City Staff recommends that the Specific Use Permit - Interim Use to expire no earlier than March of 2011 be approved as requested by the applicant.

ACTION BY COMMISSION:

Several options are available.

1. Motion to recommend approval of a Specific Use Permit of the cellular mobile telephone antenna on a permanent basis as recommended by the City Staff.
2. Motion to recommend approval of a Specific Use Permit - Interim Use to expire no earlier than March of 2011 as requested by the applicant.
3. Motion to recommend approval of a Specific Use Permit - Interim Use for a period of time greater than the twenty years requested by the applicant.

MAILED NOTICES: 6

NONE RETURNED



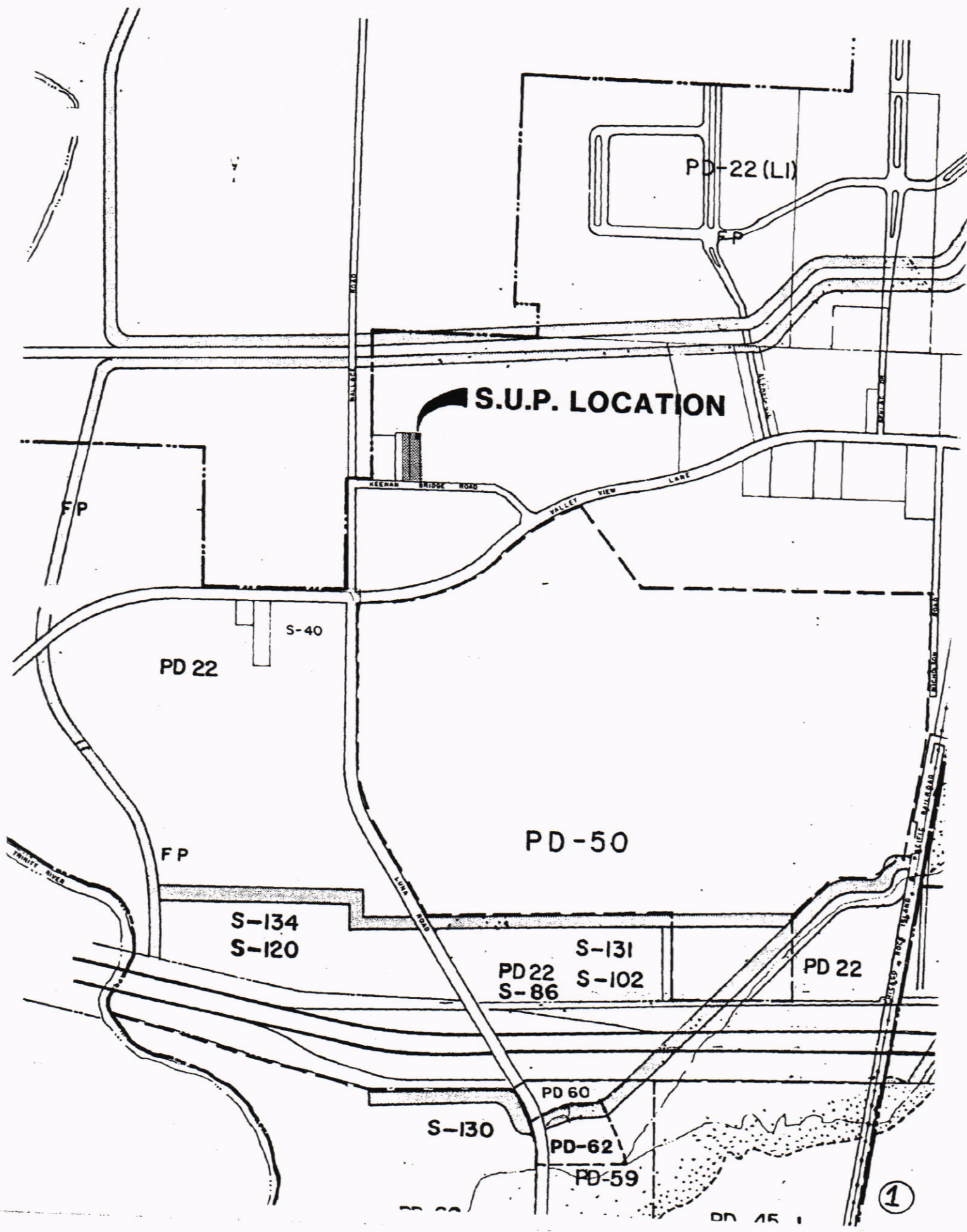
4. Motion to recommend denial of a Specific Use Permit for the cellular mobile telephone antenna.

5. Any other action desired by the Commission.

TES:MS:sas

Attachments:   1. Location sketch.  
                  2. Site plan.  
                  3. Planning report.  
                  4. Land use statement submitted by applicant.  
                  5. Summary of mailed notices.









**1440 Empire Central  
Suite 450  
Dallas, Texas  
(214) 637-2741  
(214) 634-2207 fax**

**NEW DALLAS  
CELL SITE  
FOR**

**Southern Bell  
Lobby Systems, Inc.  
DALLAS, TEXAS**

1000

**DIPLOMAT/MEDIANE**

三

100%

## PROPERTY DESCRIPTION

During a week of tests designed to see if the drug of choice among addicts, heroin, could be replaced by a less harmful substance, the results were promising. In a study by the National Institute on Drug Abuse, 100 addicts in New York City were given a choice of heroin or a synthetic drug called pentazocine. The results showed that the synthetic drug was preferred by 70 percent of the addicts. The study was conducted by Dr. David Musty, who is a leading expert on drug addiction. He said that the results of the study were "very encouraging" and that they showed that "it is possible to find a drug that is less harmful than heroin and that is also preferred by addicts." The study was published in the journal "Science" in 1971.

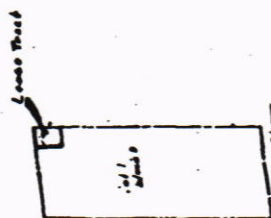
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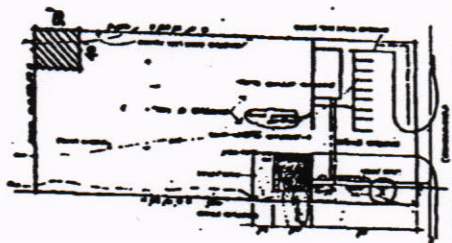
## DALLAS/FORT WORTH OVERVIEW



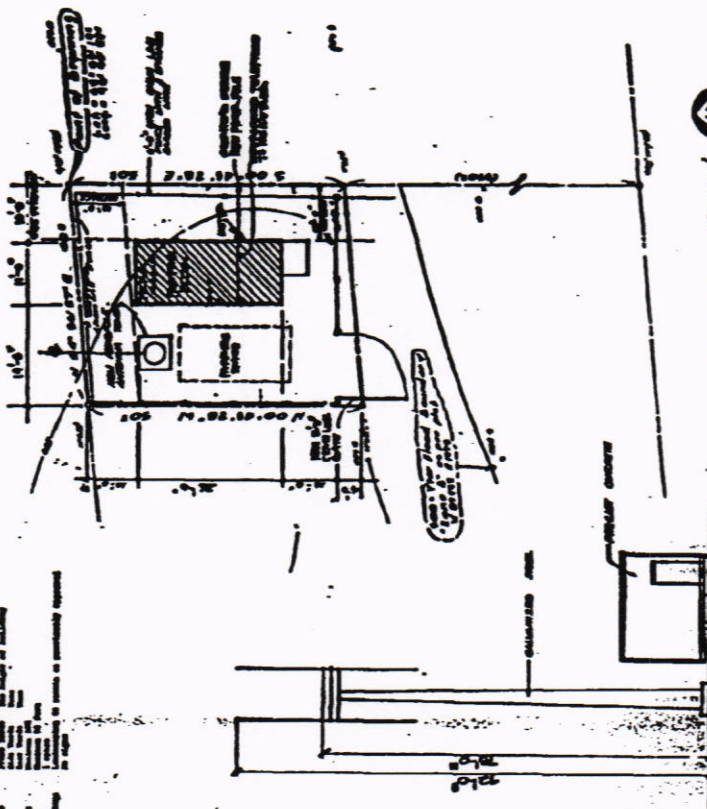
**—(continued)—**



## OCCUPATION MAP



**© SITE PLAN**



**TOWER ELEVATION**



Keener Bridge Road

**LEASE PREMISES SITE PLAN**



## PLANNING REPORT

File No. Z91-105

Meeting: P & Z

Applicant: Peter Kavanagh on  
behalf of Southwestern  
Bell Mobile Systems Inc.

Date: 3/11/91

### Site

Location: A portion of 1641 Keenan Bridge Road

=====

### REQUEST

Approval of a Specific Use Permit - Interim Use to expire no earlier than March of 2011 to allow the erection of a Cellular Mobile Telephone Antenna, ninety-two feet in height, at the northeast corner of the "Gregory Addition" at 1641 Keenan Bridge Road.

### OWNER

Michael L. Gregory, P. O. Box 59843, Dallas, Texas 75229

### BACKGROUND

The subject site is a two thousand square foot portion of the 1.6 acre "Gregory Addition" and is presently zoned Planned Development No. 22 (PD-22) which allows light industrial uses.

A single story brick office building is on the front third of the site. The rear two-thirds of the site, behind the office building, is currently used for outdoor storage of heavy construction equipment and general repairs of construction equipment under separate Specific Use Permits - Interim Use which expire on December 1, 1995. (both exp. 12/1/95)

The Zoning Board of Adjustment granted a variance on November 14, 1989 allowing the use of a gravel surface in lieu of pavement for the area to be used for parking by an attendant of the antenna.

The area surrounding the subject property is also zoned PD-22 (light industrial) and is largely undeveloped. Vacant property lies adjacent to the north and east, and across Keenan Bridge Road to the south. Heavy construction equipment is presently being stored on property adjacent to the west (a nonconforming use).



## **COMPREHENSIVE PLAN**

The Comprehensive Plan has identified "General Commercial" land uses as the appropriate form of long-term development for this area. The Plan's intent is "...to provide for low intensity office and business services in an environment free from major truck traffic." The designation of this area for General Commercial land uses and the planned improvement of Valley View Lane as a parkway, together serve as the basic impetus to upgrade the area from its currently predominant industrial function.

West of Stemmons (I-35E), the Plan limits long-range industrial development to two areas: 1.) the northernmost part of the city generally in the vicinity of Diplomat Drive and 2.) a relatively smaller, compact area south of LBJ along Royal Lane, east of Luna Road.

The SUP request does not present a conflict with existing neighboring uses. Neither should the request impede the realization of the long-term land use objectives stated in the Comprehensive Plan.

## **CONSIDERATIONS**

The City Staff has assessed this request in terms of both its immediate impact on adjacent and proximate land uses, and its long term effect on the realization of the objectives of the Comprehensive Plan. Staff's assessment finds no adverse impact on the surrounding area either in the near or long term.

The City Council, upon the recommendation of the Planning and Zoning Commission, adopted an amendment to the Comprehensive Zoning Ordinance to allow time limits to be placed on specific use permits. Requirements of this amendment state that in order to grant a specific use permit-interim use, it must be determined that the proposed use is compatible with existing land uses but incompatible with the long-range objectives of the Comprehensive Plan.

## **RECOMMENDATION**

City Staff does not perceive an adverse impact on surrounding properties either in the near or long-term, and therefore recommends the specific use permit be approved on a permanent basis.

NOTE: Should the Planning and Zoning Commission determine that the proposed antenna will inhibit the realization of the objectives of the Comprehensive Plan, City Staff recommends that the Specific Use Permit - Interim Use to expire no earlier than March of 2011 be approved as requested by the applicant.



-Land Use Statement-

1641 Keenan Bridge Road

**Southwestern Bell Mobile Systems:** Southwestern Bell Mobile Systems, Inc. (SBMS) is a licensed provider of cellular mobile telephone service to the Farmers Branch area. SBMS has provided this service since 1983. SBMS is a wholly owned subsidiary of Southwestern Bell Corporation.

**The System:** The cellular mobile telephone system provides telephone service to mobile telephones through a system of cells. Each cell includes a small equipment building and an antenna. Individual telephones communicate through radio waves to these antennas. Each cell serves a limited geographical area and can handle a limited number of calls. As the limit is reached cells must be divided and new cells must be added to handle the increase in the number of calls. The Farmers Branch area is now underserved with mobile telephone service and new cells must be added to handle the increase in the number of calls on the system.

The cellular system is a system of cells that were initially rather large and served large areas. As the system grows the cells get smaller and serve a smaller area.

Most cell sites in urban areas are now equipped with antennas on 75 foot tall poles. The maximum height of the antennas is 92 feet when mounted on 75 foot poles.

**This request:** This request is made to permit a cell site at the north end of lot 1, block 1, Gregory Addition. The site is approximately 390 feet off of Keenan Bridge Road. The site will contain a small 11 feet by 26 feet building and an antenna mounted on a monopole. The pole is 75 feet tall and the maximum height is 92 feet for the antennas. This cell site will provide cellular mobile telephone service to the surrounding area.

**Area Land Uses:** The immediate area is undeveloped but will likely be developed with warehouse and light manufacturing uses. Properties within a few thousand feet of the site are now developed with these uses.

**Area Impact:** The cell site has no employees and does not attract traffic. It is served by only electricity and telephone lines. The antenna does not interfere with any other types of communications such as radios, television or two way communications facilities.

**Zoning:** The site is zoned Planned Development District No.22 for Light Industrial uses. The cell site will comply with all conditions and standards of PD 22. All property in this area of Farmers Branch is zoned PD 22.

*Submitted by applicant*



PROPERTY OWNER LIST

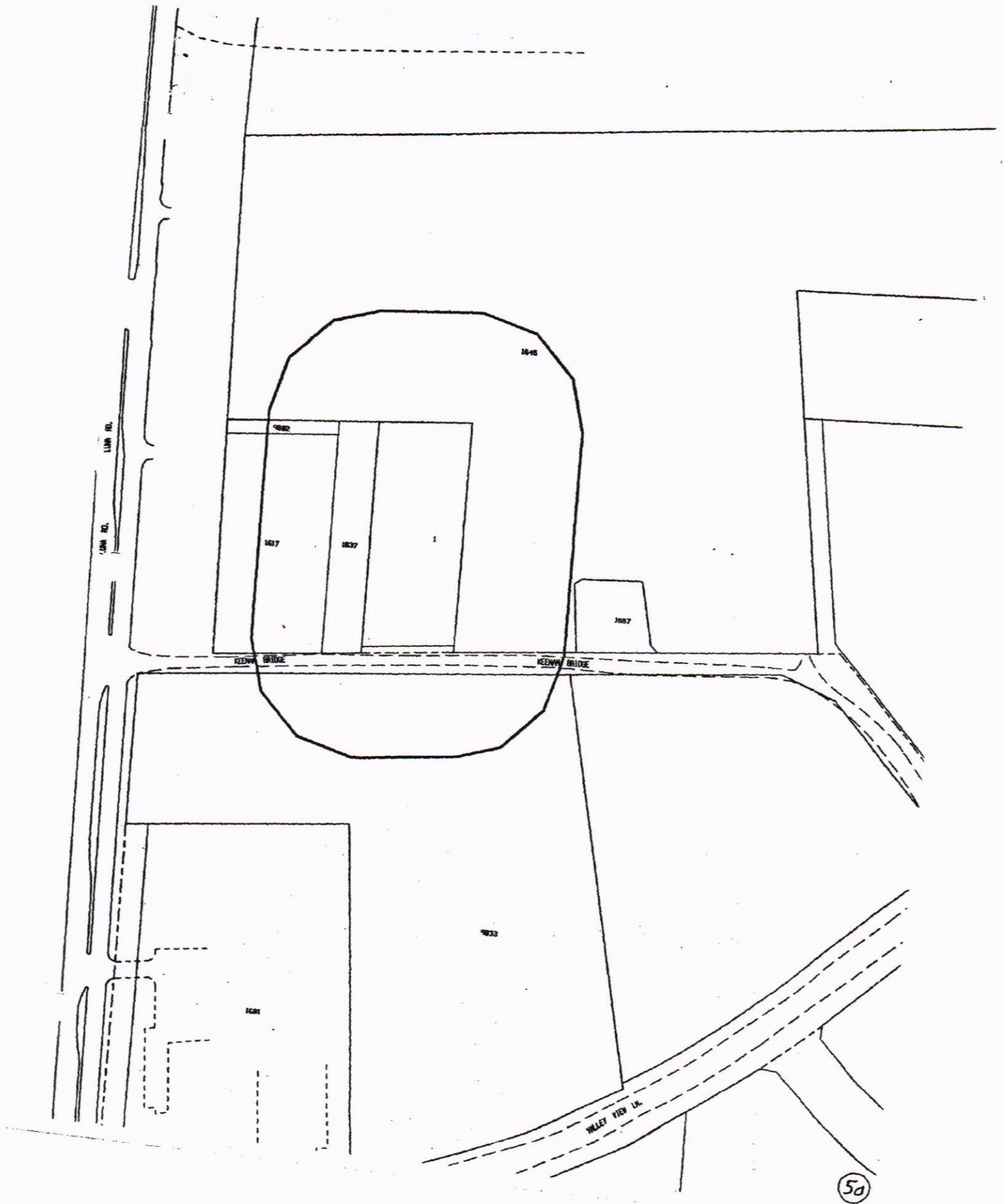
CASE NO. Z91-105

LOCATION: 1641 Keenan Bridge

NOTICES MAILED:

NO.	NAME	ADDRESS/ CITY	RETURNED		
			APP.	OPP.	NO RESP.
1	Michael L. Gregory	4301 Cobblers Lane Dallas, 75252			
2	Joe B. Byrd	2980 Eric FB			
3	Joe R. Byrd	2980 Eric FB			
4	City of Farmers Branch	P.O. Box 340435 FB			
5	Same as #4				
6	Edwin V. Bonneau	P.O. Box 819084 Dallas, 75381			
PREPARED BY SA SUMMARY OF MAILED NOTICES			0	0	6







Council  
Budget Review 5/14/91 (Tues)

CITY OF FARMERS BRANCH  
CITY COUNCIL STUDY SESSION  
AGENDA

CITY HALL  
COUNCIL CONFERENCE ROOM  
CITY HALL PLAZA  
13000 WILLIAM DODSON PARKWAY  
FARMERS BRANCH, TEXAS  
MARCH 18, 1991  
4:30 P.M.

Council meeting of  
P&Z  
re: PID  
+ other action (i.e. RHD)

April 9th

6:00

A STUDY SESSION BY THE CITY COUNCIL WILL BE HELD WITH THE CITY STAFF ON MONDAY, MARCH 18, 1991 AT 4:30 P.M.

- A.1 DISCUSS REGULAR COUNCIL MEETING AGENDA ITEMS.
- A.2 DISCUSS ADVISORY BOARD REQUESTS.
- A.3 DISCUSS COMMENTS TO THE TEXAS AIR CONTROL BOARD REGARDING GNB'S PERMIT AMENDMENT APPLICATION.
- A.4 DISCUSS SCHEDULING MEETING DATES FOR CITY COUNCIL.
- A.5 DISCUSS ADVERTISEMENT OF THE ALLEY BETWEEN BIRCHLAWN DRIVE AND PYRAMID DRIVE FROM LONGMEADE DRIVE TO AMBER LANE.
- A.6 DISCUSS IH35E IMPROVEMENTS FROM IH635 TO DENTON DRIVE.
- A.7 DISCUSS SUMMER FUNSHINE PROGRAM 1991.
- A.8 DISCUSS PLANS FOR 4TH OF JULY CELEBRATION.
- A.9 DISCUSS LEGISLATIVE MATTERS.
- A.10 DISCUSS THE STATUS OF CITY HALL.

MAYOR BLAIR ANNOUNCES THAT THE COUNCIL WILL CONVENE INTO EXECUTIVE SESSION. THE MEETING WILL RECONVENE INTO GENERAL SESSION AFTER THE ITEMS HAVE BEEN DISCUSSED IN THE EXECUTIVE SESSION. ARTICLE 6252-17, SECTION 2 OF THE OPEN MEETING LAW PROVIDES THAT SUCH ITEMS AS PERSONNEL MATTERS, LAND ACQUISITION AND PENDING AND CONTEMPLATED LITIGATION MAY BE DISCUSSED IN CLOSED SESSION.

A.11 EXECUTIVE SESSION.

- a. DISCUSS PERSONNEL MATTERS - ARTICLE 6252-17, Sec. 2(g)
  - 1. DISCUSS FIRE DEPARTMENT.

THE COUNCIL RECONVENES INTO GENERAL SESSION.



CITY OF FARMERS BRANCH  
CITY COUNCIL REGULAR MEETING  
AGENDA  
CITY HALL PLAZA  
COUNCIL CHAMBER  
3/18/91  
7:30 P.M.

- A.1 INVOCATION.
- A.2 RECOGNITION OF CUB SCOUT PACK NO. 677 AND LEAD THE PLEDGE OF ALLEGIANCE TO THE FLAG.
- A.3 PRESENTATION OF SERVICE AWARDS.
- a. KIRK RIGGS OF THE POLICE DEPARTMENT - 10 YEAR AWARD
  - b. TERRI GILLETTE OF THE WAREHOUSE DIVISION OF THE EQUIPMENT SERVICES DEPARTMENT - 5 YEAR AWARD.
  - c. JIM BLAIR OF THE FIRE DEPARTMENT - 5 YEAR AWARD.
- CONSIDER THE FOLLOWING AS CONSENT ITEMS AND TAKE THE APPROPRIATE ACTION. B.1 - B.2
- B.1 CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING OF MARCH 4, 1991.
- (B.2) CONSIDER ADOPTION OF RESOLUTION NO. 91-012 REGARDING AN AGREEMENT FOR AERIAL SPRAYING IN THE EVENT THAT THERE IS A MOSQUITO BORNE DISEASE EMERGENCY AND TAKE APPROPRIATE ACTION.
- C.1 CITY MANAGER REPORTS.
- (C.2) PUBLIC HEARING: CONSIDER THE REQUEST OF PETER KAVANAGH, ON BEHALF OF FARMERS BRANCH SHOPPING CENTER JOINT VENTURE, TO AMEND THE MAXIMUM ALLOWED HEIGHT WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (PD-8) ZONING DISTRICT FOR RADIO, TELEVISION OR MICROWAVE TOWERS AND TAKE APPROPRIATE ACTION.
- (C.3) PUBLIC HEARING: CONSIDER THE REQUEST OF PETER KAVANAGH, ON BEHALF OF SOUTHWESTERN BELL MOBILE SYSTEMS, INC., FOR APPROVAL OF A SPECIFIC USE PERMIT - INTERIM USE TO EXPIRE NO EARLIER THAN MARCH OF 2011 TO ALLOW THE ERECTION OF A CELLULAR MOBILE TELEPHONE ANTENNA TO A HEIGHT OF 92 FEET WITHIN THE PLANNED DEVELOPMENT NUMBER 22 (PD-22) ZONING DISTRICT AND TAKE APPROPRIATE ACTION.
- (C.4) PUBLIC HEARING: CONSIDER THE REQUEST OF PETER KAVANAGH, ON BEHALF OF FARMERS BRANCH SHOPPING CENTER JOINT VENTURE, FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A CELLULAR MOBILE TELEPHONE ANTENNA WITHIN THE PLANNED



## Siting Cellular Transmitters

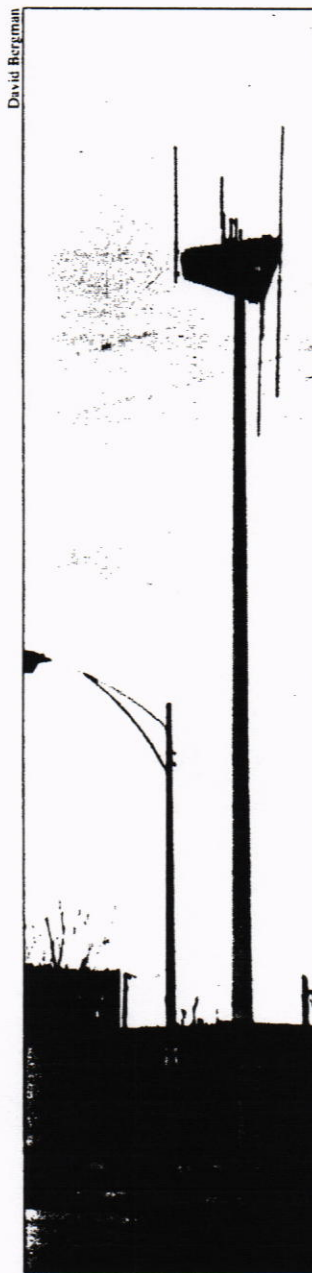
Cellular telephones have become an important method of communication since they were introduced in the early 1980s. They have become so widely used that nearly 600 cellular communications networks have been established nationwide—a dramatic increase over the 32 systems in place only six years ago. Some inside the industry expect that within 10 years one-fifth of all telephone communications will be transmitted via cellular units. As the devices become more popular, the antennas that broadcast their transmissions are becoming common features on the landscape of America's cities and suburbs. And, like any new land use, these antennas present problems that must be addressed in local zoning codes.

Cellular communication systems operate through a network of "cell sites." Each cell site has two principal components, a 12-by-28-foot structure for radio and computer equipment and a broadcast antenna. The antenna may sit atop an existing tall structure, such as an office tower or a traditional steel lattice communications tower, or may be a freestanding pole ranging from 60 to 150 feet in height. As the density of users increases within a cellular system, more cell sites must be established to keep pace with the demand. Local zoning codes have only begun to address the question of how to regulate these facilities. The issues center around aesthetics and compatibility with existing land uses. Further complicating matters is a growing concern that microwave emissions from these facilities may pose a risk to public health.

### Labels and Categories

One difficulty with cellular telephone transmission towers lies in defining them. In many communities, cell sites are classified as "public utility distribution systems" or as "public utility stations." Many zoning codes allow these uses by right in almost every zone and allow them to be established without any public hearing. In contrast, radio or television towers are often not permitted in residential and other zones where aesthetics is a primary concern. Because the demand for cellular communications facilities has grown so rapidly and shows no signs of abating soon, communities should draft specific regulations that address their land-use impacts.

One common approach to regulating cell sites is to include them in existing regulations for radio and television towers. Pensacola, Florida, took this approach when it was faced with the introduction of a cellular system. The city amended the zoning code by expanding its definition of a commercial communications tower: "a structure situated on a nonresidential site that is intended for transmitting or receiving radio, television, or telephone communications,



*Monopole antennas, like this one on Chicago's North Side, are proliferating along with the cellular telephones they serve.*

excluding those used exclusively for dispatch communications."

Another approach is a system of administrative review prior to approval of a new cell site. Cincinnati established seven criteria to protect residential districts from being overrun by cellular facilities while allowing for the network's orderly growth and development.

- No new cell may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the new cell site is to serve.
- All structures must meet minimum setback requirements in their district as specified by the zoning code.
- The entire facility must be aesthetically and architecturally compatible with its environment.
- Fencing must be provided to secure the site. No barbed wire or razor wire fencing is to be permitted in residential districts.
- Vegetative buffering must be provided to separate the facility from adjacent land uses.
- The facility's owner must file an annual report with the building inspector's office detailing how the facility is continuing to conform to the above standards.
- All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.